

Amendment
U.S. Patent Application No. 10/691,663

REMARKS

Claims 1, 3, 4, 6-12, 14-18, and 20-25 are pending in the subject application. Claims 1, 3-12, and 14-24 have been examined and stand rejected. Claims 1, 4, 6, 15, 18, and 20 have been amended and new independent claim 25 has been added in the present Amendment. Support for the amended and new claims can be found throughout the specification. In addition, claims 5 and 19 have been canceled in the present Amendment. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

In the present Office Action, claims 1, 3, 10-12, 14-17, 23, and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,705,950 to Wood et al. ("*Wood*"). In addition, claims 4-9 and 18-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Wood* in view of U.S. Patent No. 5,820,060 to Yano ("*Yano*"). These rejections are respectfully traversed based upon the above amendments to the claims and the following remarks.

Independent claim 1 has been amended so as to recite an oscillating product that includes a portion for receiving a person and further includes an entertainment device, where the entertainment device comprises a mobile arm rotatably coupled to the entertainment device, a motion conversion device including a weighted housing coupled to the entertainment device and the mobile arm to convert an oscillatory motion of the entertainment device into a rotational motion of the mobile arm, where the weighted housing rotates in response to oscillatory motion of the entertainment device such that rotational motion of the housing effects rotational motion

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of the mobile arm, and a mounting member to secure the entertainment device to the oscillating product. Claim 1 further recites that, upon securing the mounting member to the oscillating product, the oscillating product conveys oscillatory motion to the entertainment device.

Independent claim 15 has been amended in a similar manner to recite a method of rotating a mobile arm rotatably coupled to an entertainment device, comprising the following steps: imparting oscillatory movement to the entertainment device; providing a motion conversion device including a weighted housing that is coupled to the entertainment device and the mobile arm, where the weighted housing rotates in response to the oscillatory motion of the entertainment device and the rotational motion of the weighted housing effects rotational motion of the mobile arm; and providing a mounting member to facilitate mounting of the entertainment device to an oscillating product, wherein the oscillating product includes a portion for receiving a person.

Wood, when considered alone or in combination with *Yano*, fails to disclose or render obvious the combined features of each of claims 1 and 15, with particular regard to the recitation of a motion conversion device including a weighted housing that rotates in response to oscillatory motion of the entertainment device and where the rotational motion of the housing effects rotational motion of the mobile arm.

Wood describes a non-motorized object hanger device **30** for use with a child swing **10** (see, e.g., Figs. 1-4 of *Wood*). A hanger **36** is coupled to a support member **32** of the device **30**, where at least one decorative object **38** is coupled to the hanger **32**. Motion is imparted to the support member **32** by motion of the swing, and such motion in turn moves the decorative

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object(s) **38** in a pendant arc (see Col. 3, lines 24-30 of *Wood*). *Wood* further discloses a number of embodiments of non-motorized structure **70** that impart rotating motion to the hanger **36** and the decorative object(s) **38** (see the embodiments of Figs. 7-10, Figs. 11-12, and Figs. 13-14 of *Wood*). Each embodiment of the non-motorized structure **70** includes a ball **60** and socket **46** arrangement for connecting hanger **36** to support member **32**, where the ball and socket arrangement includes ribs, fingers and/or slots arranged on one or both of the ball and socket to control rotation of the hanger **36** during motion of the swing **10** (see Col. 4, line 17, to Col. 5, line 19 of *Wood*).

In rejecting claims 1 and 15, the Examiner construes the non-motorized structure **70** of *Wood* as the recited motion conversion device of claims 1 and 15. However, there is no disclosure whatsoever of any structure in *Wood* that could reasonably be construed as a weighted housing that rotates in response to oscillatory motion of the swing in *Wood*, where the rotational motion of the housing effects rotational motion of the hanger **36** (construed by the Examiner as the recited mobile arm of claims 1 and 15).

The Examiner appears to acknowledge that *Wood* fails to teach a weighted housing at page 3 of the present Office Action. However, the Examiner asserts that providing such a feature in *Wood* would have been obvious based upon the teachings of *Yano*. In particular, the Examiner asserts (see pages 3-4 of the present Office Action) that *Yano* describes a weighted gear housing **10**, **140**, a gear assembly having a ratchet gear **52**, a driving pawl **36**, a second pawl **38**, and a clutch **116**, where the driving pawl **36** and second pawl **38** move in opposing directions. The Examiner further asserts that it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to provide a gear assembly, as taught in *Yano*, in the device of *Wood*, “since such a modification would permit rotational motion of an element.”

Applicants strongly disagree with the Examiner’s assertion that *Yano* can be combined with *Wood* to render obvious the feature of a weighted housing as recited in claims 1 and 15.

Initially, it is noted that *Yano* discloses a seat belt retractor device, while *Wood* discloses a rotary object hanger device for a toy swing. The two references are completely non-analogous with respect to each other, since the two references are in different fields of endeavor and the function and design of the gearing mechanism for the seat belt retractor of *Yano* is not remotely pertinent to the non-motorized rotary mechanism for the object hanger of *Wood*. Thus, it is improper for the Examiner to combine these two reference in an attempt to assert claims 1 and 15 are obvious under 35 U.S.C. §103(a).

Further, it is not clear how the object hanger device **30** of *Wood* could be easily or readily modified to include a gearing mechanism as taught in *Yano*. As noted above, the non-motorized structure **70** of *Wood*, which includes a ball **60** and socket **46** arrangement for connecting hanger **36** to support member **32**, controls rotation of the hanger **36** during motion of the swing **10**. This non-motorized structure **70** of *Wood* simply cannot be easily modified to include the complex gearing mechanism of *Yano* without significant alteration of such non-motorized structure and/or other elements of the object hanger device **30**. Further, it is not even clear whether the gearing mechanism of *Yano* is even capable of providing the same functional features as the non-motorized structure **70** for the object hanger **30** of *Wood*, where motion of the swing imparts

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motion of the support member 32 and decorative object(s) 38, since the gearing mechanism of Yano is designed for a distinctly different purpose.

Finally, the Examiner's reasoning for combining *Wood* and *Yano* is flawed. Why would one skilled in the art look to *Yano* to "permit rotational motion of an element," when the elements of *Wood* are already rotating? Applicants assert that the combination of *Wood* and *Yano* is based solely upon improper hindsight by the Examiner.

Accordingly, Applicants submit that the rejection of claims 1 and 15 based upon any combination of *Wood* with *Yano* is unreasonable and improper. The Examiner is therefore requested to withdraw the rejection of claims 1 and 15 based upon *Wood* in view of *Yano* and to allow these claims.

Claims 3, 4, 6-12, 14, 16-18, and 20-24 depend, either directly or indirectly, from independent claims 1 or 15. Accordingly, these claims should also be allowed based upon the previous remarks for their parent claims.

New independent claim 25 recites an oscillating product that includes a portion for receiving a person and further includes an entertainment device, where the entertainment device comprises a mobile arm rotatably coupled to the entertainment device, a motion conversion device coupled to the entertainment device and the mobile arm to convert an oscillatory motion of the entertainment device into a rotational motion of the mobile arm such that the mobile arm rotates around at least a portion of the entertainment device, and a mounting member to secure the entertainment device to the oscillating product. Claim 25 further recites that, upon securing

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the mounting member to the oscillating product, the oscillating product conveys the oscillatory motion to the entertainment device.

Wood fails to anticipate or render obvious (e.g., in combination with *Yano*) the combined features of claim 25, with particular regard to the feature of a motion conversion device coupled to an entertainment device and a mobile arm to convert an oscillatory motion of the entertainment device into a rotational motion of the mobile arm such that the mobile arm rotates around at least a portion of the entertainment device. While the hanger 36 (which supports decorative objects 38) of *Wood* rotates with respect to the support member 32, this hanger 36 hangs freely from an end of and thus does not rotate around any portion of the support member 32 (or any other portion of the object hanger device 30 for that matter).

Accordingly, independent claim 25 should be allowed over *Wood*, when considered alone or in combination with *Yano* and/or any other cited reference.

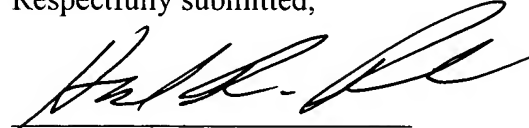
In view of the foregoing, the Examiner is respectfully requested to find claims 1, 3, 4, 6-12, 14-18, and 20-25 to be in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

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Applicants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Howard R. Richman', written over a horizontal line.

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